

OCT. 12. 2006 6:22PM 866 741 0075

NO. 8943 P. 3/3

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 740250-849
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.89(e))		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 571-273-8300, on October 12, 2006. Signature: <i>Michelle Duvall</i> Name: <u>Michelle Duvall</u>		
In re Application of Michael MICHIGAN		
Application Number 09/938,492		Filed August 27, 2001
For METHOD AND APPARATUS FOR PROCESSING COLOR IMAGE AND RECORDING MEDIUM STORING THEREIN PROGRAM FOR CARRYING OUT THE METHOD		
Group Art Unit 2625		Examiner James A. Thompson
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ <u>500.00</u>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.		
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 19-2380 (740250-849).		
<input checked="" type="checkbox"/> A petition for a three-month extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the		
<input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
<input checked="" type="checkbox"/> attorney or agent of record		
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____		
<u>Luan C. Do, Reg. No. 38,434</u> <small>Typed or printed name</small>		
<u>October 12, 2006</u> <small>Date</small>		
<small>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below*</small>		
<input type="checkbox"/> *Total of _____ forms are submitted.		

10/13/2006 MBINAS 03688362 192388 03938492
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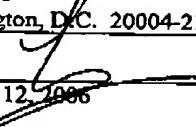
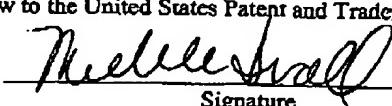
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PAGE 3/3 * RCVD AT 10/12/2006 6:03:02 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/10 * DNIS:2738300 * CSID:866 741 0075 * DURATION (mm:ss):01-20

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 09/938,492
		Filing Date August 27, 2001
		First Named Inventor Michael Mehigan
		Group Art Unit 2624
		Examiner Name James A. Thompson
Total Number of Pages in This Submission 3		Attorney Docket Number 740250-849
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request (2 months) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Continued Examination (RCE) <input type="checkbox"/> CD, Number of CD(s) _____		
<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):		
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Luan C. Do, Reg. No. 38,434 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128	
Signature		
Date	October 12, 2006	
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]		
I hereby certify that this correspondence is being:		
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450		
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300 _____.		
<u>October 12, 2006</u> Date		
 Signature Michelle Duvall Typed or printed name		

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NO. 8943 P. 2/3

FEE TRANSMITTAL FOR FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$500.00)

OCT 12 2006

Complete if Known

Application Number	09/938,492
Filing Date	August 27, 2001
First Named Inventor	Michael MEHIGAN
Examiner Name	James A. Thompson
Art Unit	2624
Attorney Docket No.	740250-849

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number 19-2380 (740250-849)

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

I. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001	2001	150 Utility filing fee	
1002	2002	100 Design filing fee	
1003	2003	100 Plant filing fee	
1004	2004	150 Reissue filing fee	
1005	2005	100 Provisional filing fee	

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	0 X 50	= 0
Independent Claims	-3** =	0 X 200	= 0
Multiple Dependent	X	[] = 0	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202	2202	25 Claims in excess of 20
1201	2201	100 Independent claims in excess of 3
1203	2203	180 Multiple dependent claim, if not paid
1204	2204	100 ** Reissue independent claims over original patent
1205	2205	25 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
1051	130	2051	65 Surcharge - late filing for or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of STR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1253	1,020	2253	510 Extension for reply within third month
1254	1,590	2254	795 Extension for reply within fourth month
1255	2,160	2255	1,080 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	500	2402	250 Filing a brief in support of an appeal
1403	1,000	2403	500 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	500	2452	250 Petition to revive - unavoidable
1453	1,500	2453	750 Petition to revive - unintentional
1501	1,400	2501	700 Utility issue fee (or reissue)
1502	800	2502	400 Design issue fee
1503	1,100	2503	550 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	790	2809	395 Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395 For each additional invention to be examined (37 CFR 1.129(b))
1801	790	2801	395 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$500.00)

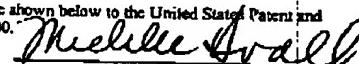
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- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 12, 2006

Date

Signature
Michelle Duval

Typed or printed name

SUBMITTED BY

Name (Print/Type)	Luan C. Do	Registration No. (Attorney/Agent)	38,434	Complete (if applicable)
Signature				Telephone (202) 585-8000

SND TO: Commissioner for Patents
P.O. Box 1450

PAGE 2/3 * RCVD AT 10/12/2006 6:03:02 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/10 * DNI:2738300 * CSID:866 741 0075 * DURATION (mm:ss):01-20